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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,568	11/14/2003	Kenneth R. Newman	CTES 016	8261

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EXAMINER

NOORI, MAX H

ART UNIT PAPER NUMBER

2855

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,568

Applicant(s)

NEWMAN, KENNETH R.

Examiner

Max Noori

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 30-60 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objection

1. Claim 51 depends on itself. It appears that applicant meant to depend claims 51-55 to claim 50 and not 51, therefore, the following restriction is based on such an assumption. Hence the dependency of these claims (at least claim 51 which depends on itself) must be corrected.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 31-32, 51-52, drawn to a system for measuring parameter with plurality of strain gauge and a computer to measure inter pressure of a structure, classified in class 73, subclass 795.
 - II. Claims 33-34, and 53-54 and 59-60, drawn to a system for measuring parameter with plurality of strain gauge and a computer to measure the bending moment in real time, classified in class 73, subclass 849.
 - III. Claims 35-37, drawn to a system for measuring parameter with plurality of strain gauge and encasement material, classified in class 73, subclass 768.
 - IV. Claims 38, 41, 43-44, drawn to a system for measuring parameter with plurality of fiber optic strain gauge, classified in class 73, subclass 800.
 - V. Claim 40, drawn to a system for measuring parameter with plurality of strain gauge and an alarm, classified in class 73, subclass 769.

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VI. Claims 42, 55-57, 59-60, drawn to a system for measuring parameter with plurality of strain gauge to measure maximum stress, classified in class 73, subclass 789.

VII. Claim 46-49, 58, drawn to a system for measuring parameter with plurality of strain gauge with a protective ring or cover apparatus class 73, subclass 856.

Claims 30, links claims 31-49, and claims 50 links claims 51-55.

Claims 39 and 45 will be examined with all groups.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions of above various groups are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of each group has its unique and separate utility such as claims of group I are for application that the internal pressure of the structures are to be measured. Group II is for structural parameter measurements in real time so instant correction to a potential problem can be obtained. Group III is the measurement where the strain gauges has to be encased for, for example damage protection. Claims of Group IV are when there is a need for optical fiber application for more exact measurement. Group V are when an alarm can be used to provide warning upon reaching a desired limit. Claims of Group VI are used in environment that a maximum stress has to be achieved, and claims of group VII have utility where a protective ring or a cover is required such as hostile environment in terms of excess heat or other potential hazard See MPEP § 806.05(d).

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the different search required for each Group, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max H. Noori whose telephone number is (571) 272-2185. The examiner can normally be reached on Tuesday-Friday from 8:00 AM to 6:00 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The central fax number is (703) 827-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHN

Friday, April 08, 2005



MAX NOORI
PRIMARY EXAMINER